



United States
Department of
Agriculture

Food and
Consumer
Service

Mountain
Plains
Region

1244 Speer Boulevard
Denver, CO
80204-2581

Reply to SFSP-453
Attn of: SP-02-14

MAR 19 2002

Subject: Revised Seamless Summer Feeding Waiver
Questions and Answers

To: STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas,
(Special Nutrition Programs Missouri DH, Missouri ED,
Montana OPI, Nebraska,
North Dakota, South Dakota,
Utah and Wyoming

Attached is a revised version of the Summer Food Service Program (SFSP) Memorandum, SFSP-448, on the same subject. We have revised the answers to questions 3, 8, 9, 10, and 32 to correspond to revised policy on eligibility of closed enrolled sites and camps as outlined in the previous memorandum. The changes are highlighted. If additional questions on the waiver arise, we will issue a third revision of the attached memo.

Please contact my staff at 303-844-0359 if you have any questions.

BRIAN ALLISON
Acting Regional Director
Special Nutrition Programs

Attachment

Revised**Seamless Summer Feeding Waiver:
Questions and Answers For State Agencies and School Districts**Eligible Sites

1. **Q** Can an SFA sponsor a site that is located outside of its attendance area?
A Yes, with State agency approval.
2. **Q** Can an SFA sponsor non-school sites operated by other organizations?
A Yes.
3. **Q** What sites are eligible for participation in the waiver?
A Eligible sites are school or non-school facilities (buildings or outdoor locations) that are:
Open – located in **eligible** areas and open to all children through age 18 in the community;
Restricted open – located in **eligible** areas and initially open to all children through age 18 in the community but later restricted by the sponsor for security, safety, or control reasons;
Closed enrolled – located in **eligible or non-eligible** areas that are limited to a group of enrolled children through age 18, of which at least 50 percent must be eligible for free or reduced price school meals (academic summer schools are excluded); and
Migrant– primarily serving children through age 18 of migrant families, as certified by a migrant organization.
Camps – residential and non-residential camps that offer regularly scheduled food service as part of an organized program for enrolled children. Only meals served to children through age 18 who are eligible for free or reduced price school meals (based on income eligibility applications) may be reimbursed.
4. **Q** Can sites qualify for area eligibility (i.e., as open or restricted open sites) based on data other than the nearest school's percent of free or reduced price enrollment eligibility for school meals?
A Yes. The SFA may use census block group data. FNS must approve the use of data from other sources, such as departments of welfare and education and zoning commissions, prior to use. Generally, we prefer that the most current data be used whenever possible, which would be annual school data.

5. Q **Will the fact that schools under Provisions 2 or 3 do not have current eligibility data affect a school's eligibility to participate under the waiver?**
A No. We will accept data from a school site's base year to determine area eligibility. School sites must use the percent of eligible students, not the claiming percentages.
6. Q **Can an SFA limit its sponsorship just to school sites?**
A Yes. However, FNS encourages providing food service at as many sites in the community as possible. An SFA should match its sponsorship of sites with its financial and administrative capabilities. Where feasible, an SFA could enlarge its summer food service to children in the community by sponsoring non-school sites that are operated by other non-profit organizations.
7. Q **Can schools operating an academic summer school, whether private or public, participate in the waiver as closed enrolled sites?**
A No. If the school site provides meals only to enrolled summer school students, it is not eligible to participate in the waiver. Section 225.14(d)(2) of the SFSP Regulations, which is not waived for seamless summer feeding sites, requires that meal services at academic summer school sites must be open to children in the community.
8. Q **What are the criteria of approvable closed enrolled sites under the seamless summer feeding waiver?**
A **An approvable closed enrolled site could include any program for children, other than an academic summer school, provided that at least 50 percent of the enrolled children are eligible for free or reduced price school meals.** Examples of closed enrolled sites include recreation programs and enrichment classes or programs. The SFA could sponsor and operate these sites or sponsor sites that are operated by local government, school, or private non-profit staff.
9. Q **What are the requirements for site applications?**
A The SFSP site application requirements, as described in §225.6(c)(2) and (3) are waived. In order to approve seamless waiver requests, State agencies must submit the following information for each site:
- Name and address
 - Free and reduced price data to support site eligibility
 - Type of site (open, restricted open, closed enrolled, migrant, or camp)
 - **For closed enrolled sites located in eligible areas or camps (both residential and non-residential), a justification for sponsoring these sites instead of open, more inclusive sites**
 - Organization to operate the site, if other than the SFA
 - Estimated number of children to be served

- How the site will advertise the availability of meals to the community (unless closed enrolled or camps)

Meal Service

10. Q **What are the types and number of meals that may be served and reimbursed under the waiver?**
 A The number and types of meals that may be served under the waiver are described in the SFSP regulations at §225.16(b). A maximum of two meals, such as lunch and breakfast, or lunch and a snack, may be served per day to children at all sites, except migrant sites **and camps**. At migrant sites **and camps**, a maximum of three meals may be served, such as breakfast, lunch, and a snack. **Only migrant sites and camps may be reimbursed for lunch and supper served on the same day. For camps, both residential and non-residential, only the meals served to income eligible children (based on free/reduced price applications) will be reimbursed.**
11. Q **What meal pattern/menu planning system is to be used for a supper under the Seamless Waiver, the NSLP lunch or the SFSP supper/lunch?**
 A Any of the options available in the NSLP regulations.
12. Q **Will a-la-carte sales be allowed at the same time that the seamless waiver meals are being served?**
 A Yes. The NSLP meal service rules are in effect. However, children should be encouraged to participate in the meal service being offered before they pay for a-la-carte items.
13. Q **Can meals be served on weekends?**
 A Yes, with State agency approval. An SFA that plans to serve weekend meals should include this information in its waiver application.

Local Level Monitoring

14. Q **When must waiver sites be reviewed by the SFA?**
 A SFA's are required, as a condition of operating the waiver, to review each site annually within three weeks of the start of waiver operations. The SFA must review the site's meal counting, claiming, and meal pattern compliance. This will meet the on-site review requirement for site visits by the SFA as outlined 7 CFR 210.8.
15. Q **Do SFA's have to conduct edit checks, as required under §210.8 of the NSLP regulations, for waiver sites?**

- A No. Edit checks will not be required for the waiver sites during the period of time that the SFA is operating the sites under the seamless waiver rules. However, SFA's should ensure that meal counts match participation and that claims reflect the number of meals served. Based on information from State agencies on waiver site activity, FNS will evaluate the need for edit checks in the future. During non-waiver periods, the SFA must conduct edit checks outlined in §210.8.

State Level Monitoring

16. Q Are State agencies required to review waiver sites?

- A Yes. State agencies must review at least one waiver site at all SFA's that are scheduled for CRE review during School Year (SY) 2002, 2003, or 2004. This may involve a second visit to the SFA to evaluate the seamless waiver site in operation.

At the State agency's convenience, the review of waiver sites may be conducted as follows:

<u>CRE review</u>	<u>Waiver site review</u>
SY 2001/2002	summer of 2002
SY 2002/2003	summer of 2002 or 2003
SY 2003/2004	summer of 2003 or 2004

State agencies are not required to conduct annual reviews of SFA's operating under the seamless waiver or any special reviews for SFAs outside the normal CRE review schedule. However, State agencies are encouraged to review waiver sites even if a CRE is not scheduled for that SFA, especially if concerns arise about management of the waiver operations. SMI reviews are not required for waiver sites.

17. Q Do findings from waiver sites, reviewed on a CRE, contribute to CRE thresholds?

- A No. Findings from a review of the seamless waiver site should not be incorporated into the CRE report or the annual FNS-640 report; a separate report on these findings can be issued to the SFA as an addendum to the CRE report.

18. Q How should States review seamless waiver sites when conducted during a CRE?

- A States should determine the best method to evaluate the certification (in closed enrolled sites), meal count, and meal service procedures of the waiver site.

Program Access

19. Q **What can be done to ensure that SFA's operating an academic summer school make a concerted effort to attract children from the community who are not attending summer school?**
- A As part of the waiver approval process, State agencies that submit waiver requests on behalf of SFA's must describe how each site will advertise the availability of meal services to children in the community. The SFA should provide enough detail in its waiver application so the method of advertising meal services to the public can be documented and confirmed later during a review by the State agency or FNS. For example, if the SFA stated that waiver site meals would be advertised in a publication, a copy of the advertisement should be available. Other examples would include documentation of public service announcements by radio or television stations, and copies of flyers provided to students or mailed to students' parents.
20. Q **If a school does not want to open its cafeteria to children in the community, can it serve its summer school children in the cafeteria and the other children outside somewhere, for example, in a park across the street or on the school playground?**
- A Regardless of the location of the site, whether in the cafeteria of the school or in the park across the street, the same facilities must be used to feed both groups of children. If the school does not want to open its meal service to children in the community who are not attending summer school, it is not eligible to participate in the waiver.

Rates

21. Q **Will qualifying schools continue to receive the severe need breakfast rates under waiver operations?**
- A Yes.
22. Q **Will schools participating as waiver sites continue to receive the commodity rates under NSLP?**
- A Yes. Schools will receive the full commodity allotment for both lunches and suppers.
23. Q **Will schools participating in the waiver still receive the extra \$.02 differential?**

- A Yes.
24. Q **What rates will non-school sites receive?**
A Non-school sites will receive the same reimbursement rates as the school sites sponsored by that SFA.
25. Q **Since there is no supper rate in the NSLP, what will be the reimbursement rate for suppers under the waiver?**
A The NSLP lunch rate.

Reporting

26. Q **How will participation under the waiver be reported?**
A Participation will be counted as the number of free meals served monthly under the waiver. State agencies should report the number of meals served by type on the FNS-10 electronic report as follows:
- Include lunches and suppers served under the waiver in the meals reported on lines 5a (and on line 5b if applicable) of the FNS-10.
 - Include snacks served under the waiver on line 5c only (do not include them in the subtotal for Area Eligible Snacks on line 5d).
 - Include breakfasts served under the waiver on line 6 and on line 7, if applicable.
 - Report the number of meals served under the seamless waiver by meal type each month in the remarks section of the FNS-10 report (located at the bottom of the first screen). Since there is a very limited amount of space available in the remarks section, we suggest the following abbreviated format:

Waiver: LN – (# of waiver lunches and suppers); BRK – (# of waiver breakfasts, regular + severe need); SNK – (# of waiver snacks)
27. Q **State agencies have reported that they are unable to access the remarks section of the FNS-10 (Item 18); this part of the report is accessible only for October and July reporting.**
A Because State agencies brought this problem to our attention, we have had to revise our instructions for reporting waiver activity. (We initially told State agencies in our waiver prototype materials to report waiver activity in item 18 of the FNS-10.) Instead, State agencies should use the one-line remarks section that is located at the bottom of the first screen of the FNS-10 electronic reporting system, as discussed in the preceding answer.

28. Q **On which FNS-10 reports should State agencies include waiver activity?**
A Waiver activity should be reported on both the 30 day and 90 day reports for each month that waiver meals are served. For the 30 day, report the total of actual and estimated meals; for the 90 day, report actual meals only.
29. Q **Since the new NSLP and SBP rates for the upcoming SY are effective for July, how would the claims for June and July be handled?**
A State agencies should refer to the NSLP regulations, at 7 CFR 210.8(c)(1), for combining claims of months with Seamless Waiver activity. Since the NSLP rates change on July 1, the June and July claims cannot be combined. June meals served under the waiver would be included in the same claim as regular NSLP meals for June. If the SFA did not operate the regular NSLP in June but operated the waiver for 10 days or less, it could combine the June waiver meals on the May claim. Conversely, if it operates the waiver for 10 days or less during July, it could combine the July and August claims.
30. Q **How will waiver site meals be reported on the SF-269 report?**
A Since waiver meals are claimed under the NSLP and SBP on the FNS 10, financial activity related to these meals must also be reported under these programs on the SF-269. The waiver site meals will be reported on the SF-269 as follows:
Report Status of Funds for lunches, suppers, and snacks in Column 14 – School Lunch;
Report Status of Funds for breakfasts in Column 15 – School Breakfast.

SFA Eligibility

31. Q **What are the criteria for SFA participation in the waiver?**
A The State agency should forward waiver applications to FNS from SFA's that demonstrate administrative capability and financial viability needed to properly operate any child nutrition program. Previous participation in the SFSP is not a requirement for participating in the Seamless Waiver.
- The State agency should not forward to FNS an application from any SFA that is considered to have problems operating either the NSLP or the SFSP, or is determined to be seriously deficient in the administration of the SFSP or the Child and Adult Care Food Program.

SFSP Issues

32. Q What provisions of the SFSP apply to SFA's participating in the waiver?

A The following provisions are not waived and require that SFA's must:

- Agree to serve meals at no cost (§225.6(e)(4))
- Agree to claim reimbursement only for the types of meals (breakfast, lunch, snack, or supper) agreed upon with the State agency, which are served at approved sites during approved meal service periods (§225.6(e)(7))
- Demonstrate financial and administrative capability to operate the program and accept final financial and administrative responsibility for the total program operations at all sites (§225.14(c)(1))
- Not be seriously deficient in operating the SFSP (§225.14(c)(2))
- Conduct a regularly scheduled food service for children from areas in which poor economic conditions exist (§225.14(c)(3))
- For schools, operate sites that are open to children in the community (§225.14(d)(2))
- **For all sites except migrant sites or camps, serve up to two meals (combination may not include lunch and supper), or one meal and one snack, or two snacks per day (introductory paragraph (b) of §225.16).**
- **Serve up to three reimbursable meals per day to children attending residential or non-residential camps, which are eligible for free or reduced price school meals, based on income eligibility applications. (§225.16(b)(1)).**
- **Migrant sites may serve up to three meals or two meals and a snack per day (§225.16(b)(4)).**

33. Q How does the seamless waiver affect the SFSP review schedule?

A As long as an SFA is participating in the seamless summer feeding waiver, it is not considered to be a sponsor under the SFSP. Therefore, the SFA should be taken out of the pool of SFSP sponsors to be reviewed by the SFSP State agency. This would include removing the SFA from the list of sponsors whose prior year reimbursements equal half of all

reimbursements, as required in §225.7(d)(2)(ii)(B) of the SFSP regulations.

34. Q Can a State agency still use one percent of funds from the approved Management and Administration Plan (MAP) for health inspections of waiver sites (§225.5(f))?

A No. We do not have the legal authority to authorize the use of these funds for any purpose other than specified in section 13(k)(3) of the National School Lunch Act. These funds may only be used for health inspections and meal quality tests for SFSP sites. Waiver sites are not considered to be part of the SFSP, since reimbursement and most operating rules come from the NSLP.

35. Q Are schools participating in the waiver required to attend the annual SFSP training?

A No. SFSP training requirements are waived; SFA's and schools participating in the seamless summer feeding waiver are not considered to be participating as sponsors of the SFSP.

Waiver Application/Approval/Start-Up Process

36. Q How will additions or deletions of sites be handled under the waiver?

A The FNSRO must approve any additional sites under the waiver. Any changes, including deletions, to the particular sites can be handled as an addendum to the initial approved waiver. State agencies should submit enough information about additional sites so that the FNSRO can determine whether the SFA operations continue to match the waiver prototype.

37. Q Are State agencies required to provide training to SFA's approved to operate this waiver?

A There is no mandatory training, but FNS encourages State agencies to provide training and technical assistance to SFA's based on their assessment of need for training.